

1 **R277. Education, Administration.**

2 **R277-525. Special Educator Stipends.**

3 **R277-525-1. Definitions.**

4 A. "After the school year" means three weeks after the  
5 final day of the required contract period, as determined by  
6 the employer. For year-round schools, "after the school year"  
7 means off-track periods, but not vacation periods.

8 B. "Before the school year" means two weeks before the  
9 first day of the required contract period, as determined by  
10 the employer.

11 C. "Board" means the Utah State Board of Education.

12 D. "Duties related to the IEP process" means;

13 (1) duties/responsibilities provided in 53A- 17a-156(4);

14 (2) preparing paperwork related to the implementation of  
15 IDEA; and

16 (3) other duties or responsibilities related to the IEP  
17 process, as determined by the special educator.

18 Duties related to the IEP process do not include:

19 (1) professional development;

20 (2) district level planning; and

21 (3) direct student instruction.

22 E. "Federal law regulating students with disabilities"  
23 means the Individual with Disabilities Education Act (IDEA),  
24 Title 1, Part A, Section 602.

25 F. "Special educator," for purposes of this rule, means:

26 (1) a licensed special education teacher as defined under  
27 53A-17a-158(c); or

28 (2) a licensed speech-language pathologist as defined  
29 under Section 53A-17a-158(c).

30 G. "Special education teacher" means an individual who  
31 has a Utah educator license with a special education area of  
32 concentration and whose primary assignment is the instruction  
33 of students with disabilities who are eligible for special  
34 education services.

35 H. "Speech-language pathologist" means an individual who  
36 has a Utah educator license with a speech-language pathologist  
37 area of concentration or a speech-language pathologist license

and whose primary assignment is the instruction of students with disabilities who are eligible for special education services.

I. "USOE" means the Utah State Office of Education.

J. "Work day for special educator" means the special educator's contract day as determined by the employer. Stipends shall only be paid for actual days worked. A teacher shall not be paid if days/hours are not actually worked.

#### **R277-525-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-158 which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.

B. The purpose of this rule is provide standards and procedures for distributing money appropriated for stipends for special educators for additional days of work:

(1) in recognition of the added duties and responsibilities assumed by special educators to comply with federal law regulating the education of students with disabilities; and

(2) the need to attract and retain qualified special educators.

#### **R277-525-3. School District/Charter School Responsibilities.**

A. School districts and charter schools shall contract with individual special educators, defined under R277-525-1F, and request in writing from the special educators:

(1) the number of days (not to exceed 10 or the number of days established by the Board) that the special educator commits to work consistent with R277-525-1G and H; and

(2) the time period (before the school year begins or after the school year ends) that the special educator commits to working the additional days.

73 B. School districts/charter schools shall annually  
74 provide the information received from special educators  
75 employed by the district or charter school on a form provided  
76 by the USOE:

77 (1) before July 1 for special educators currently  
78 employed; and

79 (2) before October 15 for special educators hired after  
80 July 1.

81 C. Special educators hired by school districts/charter  
82 schools after October 15 shall receive funding for extra days  
83 to the extent of funds available.

84 D. School districts/charter schools shall submit an  
85 invoice to the USOE twice within a fiscal year (July 1 to June  
86 30) for reimbursement for additional contract days worked by  
87 special educators as follows:

88 (1) no later than October 1 for special educators who  
89 worked before the school year began; and

90 (2) no later than June 30 for special educators who  
91 worked after the school year ended.

92 E. School districts/charter schools shall submit a final  
93 report to the USOE no later than June 30 annually that  
94 provides:

95 (1) the number of contract days worked by designated  
96 special educators;

97 (2) data and information compiled about hours, duties and  
98 responsibilities completed by special educators during  
99 additional days on a tracking and accounting form provided by  
100 the USOE or using another form acceptable to the USOE; and

101 (3) other assessment or evaluation information requested  
102 from the USOE.

103 **R277-525-4. Board/USOE Responsibilities.**

104 A. The Board shall annually review this program and  
105 determine, based upon the annual appropriation, the number of  
106 special education days that shall be funded.

107 B. To simplify accounting and evaluation requirements  
108 for school districts and charter schools, the USOE shall:

109 (1) provide model tracking and accounting materials to  
110 school districts and charter schools before June 1, 2008.

111 (2) provide a checklist of appropriate duties or tasks  
112 for special educators consistent with R277-525-1D.

113 (3) distribute funds to participating school districts  
114 and charter schools for eligible special educators on a  
115 semiannual basis.

116 (4) request and collect data regarding use of days for  
117 appropriate accountability and evaluation.

118 **KEY: special educators, stipends**

119 **Date of Enactment or Last Substantive Amendment: 2008**

120 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**  
121 **53A-1-401(3); 53A-17a-158**